

Applicant: Baumann et al.
U.S. Serial No.: 10/669,271
Filed: September 23, 2003
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Amendment in Response to Non-Compliant Amendment – April 29, 2005

REMARKS

The present application had claims 14-29 pending; claims 1-13 were previously canceled. Applicants have herein amended claims 14, 16, 17, 18, 20, 23, 28, and 29. Applicants have also canceled claims 15, 19, 21, 22, 24 and 25, and have added new claims 30 and 31. Support for the amendments may be found throughout the application, including previously presented claims. Support for new claims 30 and 31 may be found throughout the application, and specifically at page 6, lines 6-13. Support for the amendment to claim 28 may specifically be found at page 6, lines 21-23. Applicants maintain that no new matter has been added by the amendments or the addition of the new claims.

Applicants have also amended the title of the application to reflect the fact that the claims are now directed to compositions.

In the September 23, 2004 Office Action, the Examiner has rejected various combination of the claims as unpatentable over numerous prior art references. None of these references, however, are directed to catalyst composition for the shift conversion of carbon monoxide in a hydrogen containing gas stream with water to form carbon dioxide and hydrogen, the art field to which the present invention is directed. The foreign references European 354664, Japanese 59-82946 and Japanese 59-127649 are directed to the treatment waste gas, water or exhaust gas, respectively. None of these references are directed to a catalyst for shift conversion of carbon monoxide. Additionally, Applicants do not see where any of these references specifically teach finely divided aluminum support material or the deposition of the catalyst on an inert carrier in the form of a coating, as presently required by the amended claims.

Likewise, the U.S. patents cited by the Examiner are all directed to processes or catalysts for cleaning exhaust gas from automobile engines. None of these references

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teach or suggest catalyst systems for catalytic conversion of carbon monoxide in a hydrogen-containing gas stream with water to form carbon dioxide and hydrogen.

In fact, none of the references recognize the problems address by the present invention with regard to shift conversion of carbon monoxide, and thus do not suggest the presently claimed invention as a solution.

The Examiner also rejected claims 18-23 and 28 under 35 USC § 112, second paragraph, has allegedly indefinite for reciting method limitations for the claimed catalyst. Applicants have herein either canceled or amended the claims in question to overcome the Examiner's rejection. With respect to claims 18, 20 and 23, which refer to the operating temperature of the catalyst, Applicants maintain that one of ordinary skill in the art would understand that a limitation on the operating temperature of a catalyst, as reflected in the presently amended claims, is a limitation on the catalyst itself and not a limitation on its method of use.

The Examiner also rejected claims 14-29 under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1-9 of U.S. Patent No. 6,723,298. Upon an indication of allowable subject matter in the present application, Applicants will submit a terminal disclaimer, disclaiming the terminal part of any patent issued on the present application which extends beyond the term of U.S Patent No. 6,723,298.

In view of the amendments and remarks set forth above, reconsideration of the rejections set forth in the September 23, 2004 Office Action and allowance of the present application are respectfully solicited.

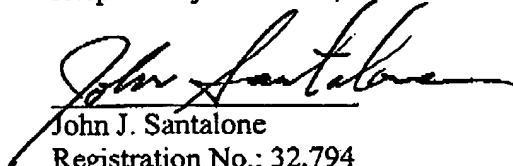
A check in the amount of \$1,020.00, the required fee for the three month extension of time, was enclosed with Applicants' March 23, 2005 Response. No

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additional fee is believed to be due with respect to the filing of this response. If any additional fees are due, or overpayment has been made, please charge, or credit, Deposit No. 11-0171 for such sum.

If the Examiner has any questions or comments regarding the present response or the subject application, the Examiner is cordially invited to contact Applicants' attorney at the number provided below.

Respectfully submitted,


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